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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13
14 FREECYCLESUNNYVALE,
a California unincorporated association,
15 Plaintiff,

16 v.
17 THE FREECYCLE NETWORK, INC.,
an Arizona corporation,
18 Defendant.

20 THE FREECYCLE NETWORK, INC.
21 an Arizona corporation,

22 Counterclaimant,
23 v.
24 FREECYCLESUNNYVALE,
a California unincorporated association,
25 Counterdefendant,

CASE NO. C 06-00324 CW

**[PROPOSED] ORDER GRANTING THE
FREECYCLE NETWORK, INC.'S
MOTION TO STRIKE UNDER F.R.C.P.
37(c)**

Date: September 27, 2007
Time: 2:00 p.m.
Before: Honorable Claudia Wilken
Location: Courtroom 2

Upon considering defendant and counterclaimant's The Freecycle Network's ("The Freecycle Network") Motion To Strike Under F.R.C.P. 37(c) ("Motion"), and plaintiff FreecycleSunnyvale's ("Plaintiff") Opposition to the Motion, the Court having considered the materials and arguments presented to the Court in connection with the Motion and Opposition, IT IS HEREBY ORDERED that The Freecycle Network's Motion is GRANTED.

The Court shall strike the declaration of Miles Dennis Robertson, Jr. and allow The Freecycle Network the opportunity to amend its opposition to Plaintiff's motion for summary adjudication should such an amendment be necessary.

IT IS SO ORDERED.

Dated:

The Honorable Claudia Wilken
United States District Court Judge
Northern District of California